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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,814	10/05/2006	Henri Drean	5637	4412
26/936 7590 09/01/2010 SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 100 SILVER SPRING, MD 20910				
EXAMINER				
ALEMU, EPHREM				
ART UNIT		PAPER NUMBER		
2821				
MAIL DATE		DELIVERY MODE		
09/01/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,814

**Applicant(s)**

DREAN, HENRI

**Examiner**

Ephrem Alemu

**Art Unit**

2821

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33, 34, 41, 42 and 52 is/are rejected.
- 7) ☒ Claim(s) 35-40 and 43-51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 35 is objected to because of the following informalities:

Re claim 35, line 1, "claim 35" should be replaced with --claim 33-- as originally presented and further claim depending on itself will make it an improper dependent claim. Appropriate correction is required.

**Note:** for the purpose of examination claim 35 has been treated as being dependent on claim 33 as originally present on 4/08/2005.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **41-42** are rejected under 35 U.S.C. 102(b) as being anticipated by Fleischer (US 6,528,023).

Re claim 41-42, Fleischer discloses a plasma-generating device (i.e., ionization chamber 5) for treatment of a gaseous medium, comprising a control device (i.e., electronic control device 14) and a powering system (102) connected to the control device, and a detection device (i.e., first air quality sensor 2, airflow sensor 6, air humidity sensor 7, ozone sensor 8, and/or second air quality sensor 13; Fig. 1) for detecting a level of contamination of the gaseous medium (i.e., ozone sensor), wherein an electric signal of the plasma-generating device is modulated by the control device according to the level of contamination detectable by the detection device;

wherein the electrical signal is chosen from the group consisting of the alternating voltage being supplied to at least one pair of plasma electrodes, the current, or combinations thereof (col. 5, lines 15-32; ...the electronic control device 14 provides a situation-specific power in the form of alternating pulse rates or several alternating pulse rates combined to the packages or sets to the ionization apparatus 5...).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 33-34 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer (US 6,528,023).

Re claim 52, Fleischer discloses the device as discussed above. Fleischer does not specifically mention the sensors being at least one manual or automatic probing device, it would have been deemed obvious to one having ordinary skill in the art at the time the invention was made the sensors being at least one manual or automatic probing device for at least providing information concerning the presence of the various type of contamination for the purpose of modulating the electric signal of the plasma-generating device (i.e., ionization chamber 5) according to the level of contamination detectable by the sensors (Fig. 1; abstract "The level of ionization power of the ionization apparatus is determined by a control device based on the measured values").

Re claims 33 and 34, Fleischer discloses the structural limitation as discussed above.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide required methods to operate a plasma-generating device for treatment of gaseous medium as claimed in claims 33 and 34.

***Allowable Subject Matter***

6. Claims 35 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 36-40 and 44-51 are objected to as being directly or indirectly dependent upon objected claims 43 and 35.

***Response to Amendment***

8. Applicant's arguments with respect to claims 41-42 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamata et al. (US 6,060,329); and Komino et al. (US 6,167,323); teach similar inventive subject matter.

*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacob Y Choi can be reached on (571) 272-2367. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EA  
8-24-10

/Jacob Y Choi/  
Supervisory Patent Examiner, Art Unit 2821